

## **EvCC3080: ETHICS POLICY**

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Policy Contact: Vice President of Administrative Services

### **POLICY**

Everett Community College is the academic, technical, and cultural center of learning for our region. The primary mission of Everett Community College is to provide quality education in an atmosphere that encourages all students to achieve their educational goals. To accomplish this mission, Everett Community College adheres to the values of honesty and integrity, respect for each individual, excellence, accountability and continual professional growth.

All Everett Community College employees serve the public interest and hold a special public trust to strive to achieve the highest ethical standards, demonstrating honesty and integrity in all aspects of their work, with the goal of avoiding even the appearance of impropriety. If questions arise as to whether a particular action is ethical, employees are expected to take personal responsibility, making choices that maintain the public trust. Each employee's actions reflect on the employee, but also on the entire college community.

Everett Community College employees are obligated to use their official powers and duties, and the resources of the College, only to advance the public interest. This obligation requires that all employees protect the integrity of the College by being independent and impartial in the exercise of their duties; not use their positions for personal gain or private benefit, including compliance with limits imposed by state law on the acceptance of gifts; promote an environment free from fraud, abuse of authority, and misuse of public property; treat members of the campus community and of the community at large with respect, concern, courtesy, and responsiveness; protect confidential information to which employees have access in the course of their duties; and create a work environment that is free from all forms of harassment and discrimination.

The State of Washington established the Ethics in Public Service Law, Revised Code of Washington, to help state employees understand their ethical obligations. This law directs the actions of all Everett Community College employees. Employees are expected to understand and must comply with the state ethics law. Penalties for failing to comply include, but are not limited to, disciplinary action up to and including termination, monetary fines of \$5,000 or the amount of damage sustained by the state or up to three times the amount involved in the ethical violation.

Employees who need assistance or have questions about a particular decision should contact the Vice President of Administrative Services at 425-388-9232. Additional guidance is available at <http://ethics.wa.gov/>.

### **DEFINITIONS**

**"Agency"** means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government.

**"Head of agency"** means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

**"Assist"** means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

**"Compensation"** means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

**"Confidential information"** means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

**"Contract"** or **"grant"** means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.

**"Family"** includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household..

**"Gift"** means anything of economic value for which no consideration is given. **"Gift" does not include:**

- (a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;
- (b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- (c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;
- (d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;
- (e) Items a state officer or state employee is authorized by law to accept;
- (f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;
- (g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- (h) Campaign contributions reported
- (i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- (j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

**"Honorarium"** means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

**"Official duty"** means those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

**"Participate"** means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

**"State officer"** means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state and includes chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work.

**"State employee"** means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

**"Thing of economic value,"** in addition to its ordinary meaning, includes:

- (a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;
- (b) An option, irrespective of the conditions to the exercise of the option; and
- (c) A promise or undertaking for the present or future delivery or procurement.

**"Transaction involving the state"** includes a proceedings, application, contract, claim, case if similar matter that a state officer, state employee, or former state officer or state employee believes or has reason to believe is or will be the subject of state action, or is one to which the state is or will be a party, or is one in which the state has a direct and substantial proprietary interest. "Transaction involving the state" does not include a claim, case, lawsuit or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case or lawsuit.

**"State action"** means any action on the part of an agency including, but not limited to a: decision, determination, finding, ruling or order, grant, contract, payment, award, license, approval or transaction.

### **CONFLICT OF INTEREST**

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

Everett Community College employees may not participate in activities in either their personal or professional lives that conflict with their official duties or participate in decision-making where they or their family members have a personal or family financial interest. Employees and family shall not accept a gift, favor or preferential treatment that comes with personal benefit or obligations (explicit or implied) or that does not adhere to the limitations on gifts as set forth.

### **GIFTS**

No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

Employees of Everett Community College shall not accept any gift (to themselves or to their family members, or in combination of gifts to themselves and their family members) that totals more than \$50 from one source in one year; or a single gift totaling more than \$50 from multiple sources in one year. This gift rule does not apply to employees whose role is to seek to acquire goods or services, who participates in those regulatory or contractual matters ("Section 4" employees) as set forth.

Employees whose role is to seek to acquire goods or services, who participates in those regulatory or contractual matters may ONLY accept those items listed from a person regulated by the agency or from a person who seeks to provide goods or services to the agency.

All other college employees MAY accept the following gifts provided the gifts are unsolicited:

- Floral arrangements, candy
- Promotional items of nominal value such as pens and note pads
- Awards of appreciation (plaque, trophy, desk item, or similar items)
- Informational material, and/or subscriptions related to performance of official duties
- Food and beverage consumed at hosted receptions related to official duties, and/or admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization
- Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature

- Co-worker gift exchanges
- Gifts from family or friends

## **HONORARIUM**

No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

Employees of Everett Community College must receive authorization from the College President before accepting any honoraria.

## **COMPENSATION FOR OFFICIAL DUTIES AND FOR OUTSIDE ACTIVITIES**

No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward or gratuity from a source other than the state of Washington for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law.

No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties.

Everett Community College employees shall not participate in outside employment or other financial arrangements that are, or could become, or could appear to be in conflict with the employee's performance of his/her duties and responsibilities as College employees.

Compensation for outside activities IS allowed only under the following circumstances:

- The contract / grant is legitimate and actually performed.
- The performance of the contract / grant is not within the official duties of the employee, is not under the employee's supervision, and was not created or authorized by the employee in his/her official capacity.
- The contract / grant is not performed for or compensated by a person who by law cannot give the employee a gift.
- Performance of the contract /grant would not require disclosure of confidential information.
- The performance of the grant or contract does not constitute a prohibited "transaction involving the state" or is not prohibited under applicable laws or rules governing outside employment for the officer or employee.
- Everett Community College employees who desire to contract with other state agencies for work to be performed on non-state time must follow the requirements set forth.

## **USE OF COLLEGE RESOURCES**

No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another. This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

Everett Community College employees shall not use college resources for personal gain, personal convenience or avoidance of personal expense. This includes allowing others (family, friends, neighbors) to use state resources. "Personal benefit or gain" may include a use solely for personal convenience, or a use to avoid a personal expense. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, and/or the state officer or state employee who authorizes such use.

College resources include tangibles: phone systems, electronic networks (internet, email), equipment, furniture, facilities, (offices, bulletin boards, grounds, parking) consumables (paper, markers, and food) mail service, and data (employee lists, databases).

College resources also include people: both the employee's time during scheduled work hours, and the scheduled work time of employees under the direction or influence of another employee.

### **PROHIBITED USE**

The state Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of state resources.

- Any use for the purpose of conducting an outside business or private employment;
- Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to: A private business, a nonprofit organization, or a political party (unless provided for by law or authorized by an agency head or designee);
- Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.
- Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head.
- Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy; and
- Any private use of any state property that has been removed from state facilities or other official duty stations, even if there is no cost to the state.

Everett Community College employees who engage in, or allow family, friends or neighbors to engage in the above use(s) of college resources may be subject to discipline up to an including termination.

### **DE MINIMUS USE**

A state officer or employee may make an occasional but limited use of state resources only if each of the following conditions are met:

- (a) There is little or no cost to the state;
- (b) Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- (c) The use does not interfere with the performance of the officer's or employee's official duties;
- (d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- (e) The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- (f) The use does not compromise the security or integrity of state property, information, or software.

### **CONFIDENTIALITY**

No state officer or state employee may:

- Accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.
- Make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.
- Disclose confidential information to any person not entitled or authorized to receive the information.
- Intentionally conceal a record if the officer or employee knew the record was required to be released, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith.

Everett Community College employees must keep confidential information confidential. Only other staff members who need to know should be included in the information loop. Employees should be aware of the downfalls of using emails (no expectation of privacy; others may forward emails outside your anticipated distribution area; emails may be

subpoenaed and are public record.) Also, employees should guard their casual conversations to ensure confidentiality is maintained both inside and outside the workplace.

### **CAMPAIGNING/ POLITICAL ACTION**

No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

While Everett Community College employees have the right to free speech, there are limitations as to how they exercise that right while at work. For example, employees cannot use their positions at the College to influence votes for or against any candidate or ballot issue. No college resources may be used to lobby for or against a candidate, ballot issue or legislative action.

### **PARTICIPATION IN TRANSACTIONS OR FINANCIAL INTEREST IN TRANSACTIONS**

No state officer or state employee may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest.

Everett Community College employees may not take part in any official decisions that benefit or appear to benefit themselves, their family members, or any organization in which employee has a beneficial interest.

### **ASSISTING IN TRANSACTIONS**

Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

- (a) In which the state officer or state employee has at any time participated; or
- (b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing.

A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so.

Everett Community College employees must not use 'inside knowledge' to help any outside organization, business or individual transact business with the college.

### **EMPLOYMENT AFTER LEAVING EVERETT COMMUNITY COLLEGE**

Everett Community College employees who leave College employment are restricted. The restrictions relate to contracting and grant activities, compensation or future employment given in response to performance or non-performance of duties influenced by the promise of compensation or future employment, or participating in a

transaction involving the state in which the former state officer or state employee at any time participated during state employment. Anyone who leaves a position and seeks a position with an organization doing business with the college or other state agencies should closely review the Revised Code of Washington.

### **PUBLISHER'S SAMPLES**

Employees may, in the course of their employment with Everett Community College, receive samples of textbooks, software or other goods from vendors. Because the materials are received as a direct result of the employee's position at Everett Community College, selling the materials and keeping the profit violates the state ethics law. Materials may be donated to students, libraries, the Everett Community College Foundation or staff resource areas.

### **REPORTING VIOLATIONS**

Persons who wish to report an ethical violation by an Everett Community College employee may contact the Human Resources Department at 425-388-9232.

Alternately, complaints may be filed by an individual (personally or by his/her attorney) with the State Ethics Board. Complaints shall state the name of the person alleged to have violated the ethics law or rules adopted under it and the particulars involved, and may contain other information necessary to the investigation.

### **ANNUAL REVIEW**

The Human Resources department will distribute this document to all employees upon hire. The Human Resources department will explain the ethics law to new employees upon hire and will annually review the information with current employees.

### **RELEVANT LAWS AND OTHER RELATED INFORMATION**

[RCW 42.17](#)

[RCW 42.52](#)

[RCW 42.52.010](#)

[RCW 42.52.020](#)

[RCW 42.52.030](#)

[RCW 42.52.040](#)

[RCW 42.52.050](#)

[RCW 42.52.080](#)

[RCW 42.52.110](#)

[RCW 42.52.120](#)

[RCW 42.52.130](#)

[RCW 42.52.140](#)

[RCW 42.52.150](#)

[RCW 42.52.160](#)

[RCW 42.52.180](#)

[RCW 42.52.410](#)

[RCW 42.52.480](#)

[RCW 42.52.520](#)

[RCW 42.56](#)

[WAC 292.110.010](#)

[WAC 292.110.060](#)

[Washington State Executive Ethics Board](#)

### **REVISION HISTORY**

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**APPROVED BY**  
Board of Trustees